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Attorney for Defendant DONALD MILLS

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

UNITED STATES OF AMERICA)	No. 4-12-MJ-70425
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER DOCUMENTING WAIVER
v.)	
)	
DONALD MILLS.)	
)	
Defendant.)	
)	

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the preliminary hearing date of August 24, 2012, setting a new preliminary hearing date for October 15, 2012, at 9:30 a.m., before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding time under the Speedy Trial Act to October 15, 2012.

The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, Donald Mills, was charged in a complaint dated April 17, 2012, with one count of conspiring to distribute heroin, in violation of 21 U.S.C. § 846, one count of distribution of heroin, in violation of 21 U.S.C. § 841(a)(1), and being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g). Mills was arrested and subsequently presented to the Court on or

1 about April 23, 2012. John Paul Reichmuth, Esq., was appointed to represent Mills. Mills was
2 ordered detained pending trial.

3 2. On May 4, 2012, due to a conflict, Mr. Reichmuth withdrew as counsel and Suzanne M.
4 Morris, Esq., was appointed to represent Mills. Since Ms. Morris's appointment, the parties have
5 been trying to resolve this matter prior to the filing of indictment. Although the parties have
6 conferred, and although the Government has voluntarily provided some materials relating to this
7 case for counsel's review, these discussions have not yet been completed. Moreover, there have
8 been some recent additional developments that may be material to the parties' discussions.
9 Accordingly, the parties respectfully request that the August 24, 2012 preliminary hearing be
10 continued until October 15, 2012 to allow them additional time to pursue a potential disposition of
11 this matter.
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14 3. Taking into the account the public interest in the prompt disposition of criminal
15 cases, the above-stated ground is good cause for extending the time limit for a preliminary
16 hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment, and
17 for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny the
18 defense time for effective preparation and representation by seeking disposition of this
19 matter prior to indictment on agreed-upon terms.
20

21 4. Accordingly, with the consent of the defendant, the Court hereby: (a) vacates the
22 August 24, 2012 preliminary hearing date and extends the time for a preliminary hearing until
23 October 15, 2012, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the
24 period from August 24, 2012 until October 15, 2012 be excluded from the time period for
25 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act
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1 calculations under 18 U.S.C. § 3161.
2

3 SO STIPULATED:
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5 Dated: August 23, 2012


/s/
SUZANNE M. MORRIS
Counsel for Donald Mills

8 Dated: August 23, 2012

/s/
W.S. WILSON LEUNG
Assistant United States Attorney

11 IT IS SO ORDERED.
12

13 DATED: August 24, 2012


HON. KANDIS A. WESTMORE
United States Magistrate Judge